

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT L. GARBER, Derivatively on Behalf
of LEHMAN BROTHERS HOLDINGS, INC.,

Plaintiff,

-against-

RICHARD S. FULD, JR., MICHAEL L. AINSILE,
JOHN F. AKERS, ROGER S. BERLIND, THOMAS
H. CRUIKSHANK, MARSHA JOHNSON EVANS, SIR
CHRISTOPHER GENT, JOHN L. CECIL, ROLAND
A. HERNANDEZ, JOHN D. MACOMBER, DINA
MERRILL, JONATHAN BEYMAN, DAVID GOLDFARB,
JOSEPH M. GREGORY, JEREMY M. ISAACS,
CHRISTOPHER O'MEARA, THOMAS A. RUSSO,
BRADLEY H. JACK, HENRY KAUFMAN, STEPHEN
M. LESSING, MICHAEL F. MCKEEVER, JEFFREY
VANDERBEEK,

Individual Defendants,

-and-

LEHMAN BROTHERS HOLDINGS, INC.,

Nominal Defendant.

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DORIS STAEHR, Derivatively on Behalf
of LEHMAN BROTHERS HOLDINGS, INC.,

Plaintiff,

-against-

RICHARD S. FULD, JR., JOSEPH M.
GREGORY, THOMAS A. RUSSO, DAVID GOLDFARB,
STEPHEN M. LESSING, JEREMY M. ISAACS,
CHRISTOPHER M. O'MEARA, JEFFREY A.
WELIKSON, HENRY KAUFMAN, ROGER S.
BERLIND, JOHN D. MACOMBER, MICHAEL L.
AINSILE, JOHN F. AKERS, THOMAS H.
CRUIKSHANK, CHRISTOPHER G. GENT, MARSHA

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07 Civ. 2990 (DAB)

ORDER

07 Civ. 3562 (DAB)

J. EVANS, BRADLEY H. JACK, JEFFREY
VANDERBEEK, MICHAEL F. MCKEEVER,
JOHN L. CECIL, CHARLES B. HINTZ,
ROBERT MATZA, JENNIFER MARRE, DINA
MERRILL, and HIDEICHIRO KOBAYASHI,

Individual Defendants,

-and-

LEHMAN BROTHERS HOLDINGS, INC., a
Delaware Corporation,

Nominal Defendant.

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LOCALS 302 & 612 OF THE INTERNATIONAL
UNION OF OPERATING ENGINEERS-EMPLOYERS
CONSTRUCTION INDUSTRY RETIREMENT TRUST,
Derivatively on Behalf of LEHMAN
BROTHERS HOLDINGS, INC.,

Plaintiff,

07 Civ. 3950 (DAB)

-against-

RICHARD S. FULD, JR., JOSEPH M.
GREGORY, CHRISTOPHER M. O'MEARA,
THOMAS A. RUSSO, JEREMY M. ISAACS, DAVID
GOLDFARB, BRADLEY H. JACK, JEFFREY
VANDERBEEK, JONATHAN E. BEYMAN, MICHAEL
L. AINSILE, JOHN F. AKERS, ROGER S.
BERLIND, THOMAS H. CRUIKSHANK, MARSHA
JOHNSON EVANS, SIR CHRISTOPHER GENT,
ROLAND A. HERNANDEZ, HENRY KAUFMAN,
JOHN D. MACOMBER, and DINA MERRILL,

Individual Defendants,

-and-

LEHMAN BROTHERS HOLDINGS, INC., a
Delaware Corporation,

Nominal Defendant.

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DEBORAH A. BATTS, United States District Judge.

On July 10, 2007, this Court granted Plaintiffs request to move for consolidation and appointment of Lead Plaintiff and Lead Plaintiff Counsel.

The Court is now in receipt of the Motion of Plaintiff Locals 302 & 612 of the International Union of Operating Englineers-Employers Construction Industry Retirement Trust ("Retirement Trust"), by their counsel Lerach Coughlin Stoia Geller Rudman & Robbins LLP ("Lerach Coughlin"), for consolidation, appointment as Lead Plaintiff and for approval of selection of Lead Plaintiff Counsel, filed August 1, 2007. Further, the Court is in receipt of the Motion of Plaintiffs Robert L. Garber ("Garber") and Saginaw Police & Fire Pension Board ("Saginaw"), by their counsel Scott + Scott, for consolidation, selection as Lead Plaintiffs and approval of Lead Plaintiff counsel, filed August 14, 2007.

In addition, the Court is in receipt of Defendants' Memorandum of Law filed August 15, 2007, in response to the Motions of Plaintiffs Retirement Trust and Garber. Finally, the Court is in receipt of the letter dated September 27, 2007, from Plaintiff Staehr, noting that "all parties have agreed that consolidation is appropriate in these actions."

Plaintiffs' requests for consolidation is hereby GRANTED.

The following actions are hereby consolidated for all purposes:

Garber and Saginaw v. Fuld et al., No. 07 Civ 2990 (DAB)

Staehr v. Fuld et al., No. 07 Civ 3562 (DAB)

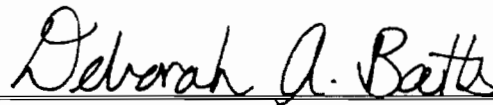
Retirement Trust v. Fuld et al., No. 07 Civ 3950 (DAB)

The caption of these consolidated actions shall be "In re Lehman Brothers Holdings, Inc. Derivative Litigation" and the files of these consolidated actions shall be maintained under file No. 07 Civ. 2990.

Having considered the Parties submissions, Plaintiffs Robert L. Garber and Saginaw Police & Fire Pension Board are hereby appointed Lead Plaintiffs. The lawfirms of Scott + Scott, LLP and Robbins, Umeda, and Fink, LLP are hereby appointed co-Lead Derivative Counsel.

The individual Defendants and Nominal Defendant Lehman Brothers Holdings, Inc. need not respond to the Complaints originally filed in the above-captioned actions. Plaintiffs shall file a Consolidated Complaint within sixty days of the date of this Order. Individual Defendants and Nominal Defendant shall move or Answer the Consolidated Complaint within sixty days.
SO ORDERED.

Dated: New York, New York
October 3, 2007


Deborah A. Batts
United States District Judge